

Remarks

In the Office Action dated March 10, 2005, the Examiner indicated the Oath and Declaration was defective. The Examiner rejected claims 9, 10, 19 and 20 under 35 U.S.C. § 112, second paragraph. The Examiner rejected claims 1-7, 9-17 and 19 and 20 under 35 U.S.C. § 102(e) as being anticipated by the U.S. Patent to Engel, et al. 6,519,636. The Examiner rejected claims 1-6, 9-16 and 19 and 20 under 35 U.S.C. § 102 as being anticipated by the publication in the name of Chen. The Examiner rejected claims 8 and 18 under 35 U.S.C. § 103 as being unpatentable over Engel, et al. in view of the U.S. Patent to Haddock, et al. 6,104,700.

By this Amendment Applicants' Attorney has supplied an Application Data Sheet enclosed herewith.

Also, claims 9 and 10 and 19 and 20 have been amended to eliminate the word "substantially" from each of the claims.

Each of the independent claims have been amended to make it clearer that the selection of a subset of the rule data based on a signal is used to obtain a selected subset of rule data which represents quality of service differentiations. The network traffic is throttled so that the network computer provides quality of service differentiation and to enable automatic resource allocation differentiating preferred customers from non-preferred customers (specification, page 6, line 16-18).

As noted in the Office Action, the Examiner admits that Engel fails to clearly disclose: 1) a selected subset of rule data which represents quality of service differentiations; and 2) the network traffic is throttled so that the network computer provides quality of service differentiation. The Examiner states that Haddock, et al supplies these teaching.

Initially, the problem noted on page 2, lines 3-26 of the specification upon which the present invention seeks to solve has been known since the early 1980's, i.e., the need to differentiate between important and less important clients or customers. In other words, even though the problem has been around since the early 80's, the U.S. Patent to Engel, et al. fails to address this problem.

While the U.S. Patent to Haddock, et al. discloses a policy-based, quality of service mechanism, Haddock, et al. fails to enable automatic resource allocation differentiating preferred customers from non-preferred customers as provided by each of the new independent claims.

Consequently, even if a motivation exists to combine the teachings of Engel, et al. and Haddock, et al., which Applicants' Attorney does not admit, the combined teachings of Engel, et al. and Haddock, et al. would still not obtain the claimed method and system of the present invention which requires the control of network traffic to a network computer to enable automatic resource allocation differentiating preferred customers from non-preferred customers. This is especially telling since, as the Examiner has admitted, Engel, et al. fails to clearly disclose that the selected subset of rule data represents quality of service differentiations and wherein the network traffic is throttled so that the network computer provides quality of service differentiation.

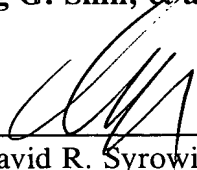
S/N: 09/982,612
Reply to Office Action of March 10, 2005

Atty Dkt No. UOM 0216 PUSP

Consequently, in view of the above and in the absence of better art, Applicants' Attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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Date: May 10, 2005

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